

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

JESSIE L. FORIEST,)	
)	
Plaintiff,)	Case No. 1:05-0056
)	Judge Nixon
v.)	Magistrate Judge Knowles
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,¹)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff Jessie L. Foriest's ("Plaintiff") Motion for Judgment on the Administrative Record ("Plaintiff's Motion") (Doc. No. 18), to which Defendant filed a Response ("Response") (Doc. No. 22). This case was referred to Magistrate Judge Knowles ("Magistrate Judge"), who issued a Report and Recommendation ("Report") that Plaintiff's Motion be denied and the decision of the Commissioner of Social Security ("Commissioner" or "Defendant") be affirmed. (Doc. No. 23.) Plaintiff has not filed any objections to the Report.

Plaintiff moves the Court to reverse the decision of the Commissioner denying Plaintiff supplemental security income ("SSI") as provided under Title XVI of the Social Security Act ("Act"). Plaintiff contends that the Administrative Law Judge ("ALJ") erred by (1) finding that Plaintiff's allegations of pain and disability were not credible; (2) misinterpreting Plaintiff's

¹ Michael J. Astrue was sworn in as Commissioner of Social Security on February 12, 2007. Pursuant to Federal Rule of Civil Procedure 25(d)(1) and the last sentence of 42 U.S.C. § 405(g), Michael J. Astrue is automatically substituted as Defendant in the above-captioned case, and no further action is necessary to continue this case.

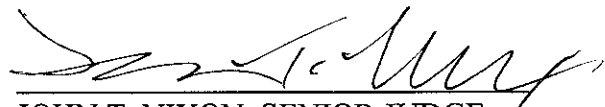
medical source statement from a treating source for his mental health conditions; (3) failing to give proper consideration to the opinion of the most recent psychological consultative examiner; and (4) finding that Plaintiff was capable of performing a significant number of other jobs.

Plaintiff additionally contends that the Appeals Council erred in failing to properly consider new and material evidence. (Doc. No. 18.) In the Response, Defendant asserts that the decision of the Commissioner was supported by substantial evidence and should be affirmed. (Doc. No. 22.)

After review, the Court hereby **ADOPTS** the Report in its entirety. Accordingly, the Court **DENIES** Plaintiff's Motion and **AFFIRMS** the decision of the Commissioner. This Order terminates this Court's jurisdiction over the above-styled action and the case is **DISMISSED**.

It is so ORDERED.

Entered this the 20th day of November, 2007.


JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT